

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2007 JUL 24 A 11:00

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IN RE: PHARMACEUTICAL INDUSTRY, :
AVERAGE WHOLESALE PRICE LITIGATION :
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MDL No. 1456
Master File No. 01-12257-PBS
U.S. DISTRICT COURT
DISTRICT OF MASS.

THIS DOCUMENT RELATES TO:

**WAIVER OF SERVICE OF
SUMMONS & COMPLAINT**

The County of Orange v.
Abbott Laboratories, Inc., et al.

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To: Stanley J. Levy, Esq.
Levy Phillips & Konisberg
800 Third Avenue
New York, New York 10022

Pursuant to the Consolidated Stipulation & Order, defendant Genentech, Inc. ("Genentech") acknowledges receipt of your request that it waive service in the above captioned action. Genentech has received a copy of the summons and complaint in this action.

Genentech agrees to save the cost of service of the summons and complaint by not requiring that Genentech be served with judicial process in the manner provided by Fed. R. Civ. P. 4.

Genentech retains all defenses or objections to this action or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

Genentech understands that, pursuant to the Consolidated Stipulation & Order, its time to answer or otherwise respond to the complaint will be extended pending the Court's further order at the status conference in the New York County Actions or thereafter.

Dated: May 22, 2007

REED SMITH LLP

By: 

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